



Members:

Sen. Sandra Dempsey, Chair
Sen. Sue Landske
Sen. Joseph Zakas
Sen. Rose Antich
Sen. William Alexa
Sen. Earline Rogers
Rep. Thomas Alevizos
Rep. Charlie Brown
Rep. Robert Kuzman
Rep. Timothy Fesko
Rep. Dean Mock
Rep. Ralph Ayres
Mayor Duane Dedelow
Mayor James Perron

NORTHWEST INDIANA COMMUTER RAIL AND TRANSPORTATION STUDY COMMISSION

LSA Staff:

James Sperlik, Fiscal Analyst for the Commission
James Jett, Attorney for the Commission

Authority: P. L. 241-1997

**Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 232-9855 Fax: (317) 232-2554**

MEETING MINUTES

Meeting Date: Aug 19, 1998
Meeting Time: 10:00 A.M.
Meeting Place: Harbor Pavilion, 701 Empress Drive,
Hammond Marina
Meeting City: Hammond, Indiana
Meeting Number: 3

Members Present: Sen. Sandra Dempsey, Chairperson; Sen. Joseph Zakas; Sen. Earline Rogers; Sen. Rose Ann Antich; Rep. Thomas Alevizos; Rep. Charlie Brown; Rep. Timothy Fesko; Rep. Dean Mock; Rep. Ralph Ayres; Mayor Duane Dedelow; Mayor James Perron.

Members Absent: Sen. Sue Landske; Sen. William Alexa; Rep. Robert Kuzman.

1. Call to Order: Introduction

The meeting was called to order by the Chair, Sen. Sandra Dempsey, at 10:40 a.m. Sen. Dempsey then asked the Commission members to introduce themselves. The Chair called for a motion to approve the minutes from the two previous meetings. Motions were made and seconded for approval of the minutes. The minutes were approved with a unanimous vote.

2. Scott Deloney and Mike Worrell: Indiana Department of Environmental Management (IDEM)S

Mr. Deloney and Mr. Worrell addressed the Commission on air quality and emissions

testing in the Northwest region of the state and its impact on the development of an overall transportation plan for the region. Mr. Deloney and Mr. Worrell made available the Lake and Porter Counties 1999 9% VOC Reduction Plan.¹ This plan was submitted in 1997 for the three year period 1996-1999. Mr. Deloney said that the Clean Air Act Amendments (CAAA) of 1990 required areas where air quality does not meet health standards for ozone levels to reduce emissions of pollutants that contribute to ozone formation. Northwest Indiana is such an area, commonly referred to as a “non-attainment” area. Mr. Deloney said that motor vehicles account for 20% of the mobile source emissions in Northwest Indiana. He also said that industries in the Northwest region account for about 60% of point sources of emissions, with area sources accounting for about 12% of the emissions. Mr. Deloney went on to say that new cars, the use of reformulated gasoline (RFG) and vehicle inspections have enabled planners to reduce emissions without reducing highway miles traveled (HMT), but added capacity to I65 and the Borman Expressway may require offsets in the future.

In response to Commission questions about the impact of RFG and emissions, Mr. Deloney said that the use of RFG does reduce emissions, but does cost more at the pump. Mr. Deloney said, in response to a Commission question, that emissions can stop a highway project even when the money is available. Mr. Deloney and Mr. Worrell made available a handout entitled I/M Programs.² Mr. Deloney and Mr. Worrell told the Commission that the vehicle inspections are mandated. Mr. Worrell responded to a question of why emissions testing is required for motor vehicles when they contribute to such a small percentage of the problems by saying that inspections have helped reduce motor vehicle emissions from 40% to 20%. In response to another Commission question, Mr. Worrell said that newer cars are cleaner and that the last four model years are exempt. He also said that the exemption will reduce lines at the testing sites which improves the impact of the overall program.

Mr. Deloney said that states must demonstrate attainment with the old standards by the year 2007. He said that the Environmental Protection Agency (EPA) requires a 48% reduction from 1990 to 2007. Mr. Worrell commented that no state believes it can do this. Mr. Worrell told the Commission that the Gary, Indiana inspection site will be opening on October 1, 1998. Both Mr. Deloney and Mr. Worrell said that the plans for the future regarding air quality and emissions are to have all the interested parties work together. The interested parties are: a) the EPA; b) the IDEM; b) the Northwestern Indiana Regional Planning Commission (NIRPC); c) the United State Department of Transportation (USDOT); d) the Indiana Department of Transportation (INDOT).

3. Phil Schermerhorn: Indiana Department of Transportation

¹This document is on file in the Legislative Information Center, Room 230 of the State House, Indianapolis, Indiana, 46204. The telephone number of the Legislative Information Center is (317) 232-9856.

²This document is on file in the Legislative Information Center (see footnote 1).

Mr. Schermerhorn addressed the Commission on the topic of noise barriers on the Borman Expressway and other roads in the Northwest region. He said that the Toll Road study is done and the results are currently being evaluated. Mr. Schermerhorn said after the evaluation is completed the next order of business is to figure out how high and long the barriers should be. A cost/benefit analysis would then be completed. Mr. Schermerhorn estimated the cost of the cost/benefit analysis to range between \$20,000 and \$30,000. In response to a Commission question, Mr. Schermerhorn said that the Toll Road will reimburse the INDOT for the cost of the Toll Road study.

4. Overweight/Oversized Vehicles: INDOT

Mr. Schermerhorn of the INDOT addressed the Commission on overweight and oversized vehicles (OW/OS). In response to a Commission question, Mr. Schermerhorn said that the money from the OW/OS vehicles is deposited into the State Highway Fund. He also said that the Legislature determines the routes for the OW/OS vehicles. Mr. Schermerhorn distributed a report which showed the dollars spent on Heavy Duty highway routes since January, 1983.³ The report revealed that approximately \$20.5 million has been spent on Heavy Duty highways since January, 1993 to the present. The largest expenditure was \$11.2 million on US 20, from Clark Road in Gary to State Road 39. In response to a question about a "gentlemen's agreement" on a 3% tolerance for OW vehicles, Mr. Schermerhorn commented that the tolerance for OW vehicles was removed by legislation a few years ago. At this point, Mr. Schermerhorn distributed a report which summarized the number of permits issued by the INDOT from January, 1993 through June, 1998. The summary includes the following permits: a) OW/OS; b) Toll Road; c) Michigan Train; d) Mobile Homes.

5. Overweight/Oversized Vehicles: Indiana State Police

Lt. Col. Dean Petree, Deputy Superintendent of the Indiana State Police, addressed the Commission on OW/OS vehicles and the use of permanent and portable scales. Col. Petree told the Commission that there are not any tolerances on the State Police scales and that they are regularly checked for accuracy and he is not aware of any problems. In response to a Commission question, Col. Petree said that the laws of Michigan and Indiana are different in that Michigan allows heavier trucks on its highway than does Indiana. Mr. Schermerhorn commented that Michigan has higher weight limits. When asked about permits, Col. Petree deferred to Mr. Tom Sullivan of the Indiana Department of Revenue Motor Carrier Services Division. Mr. Sullivan told the Commission that Michigan trains, specially designated heavy trucks, can obtain permits over the phone 24 hours per day.

Col. Petree said that the Motor Carrier Inspectors (MCI) are the people who do the actual weighing of the trucks. These inspectors leave the scales to inspect school buses during the months of July and August. He said that he needs more MCIs. Col. Petree said that the Motor Carrier Services Division are located with the Department of

³This document is on file in the Legislative Information Center (see footnote 1).

Revenue and INDOT (One Stop Shop) at 5252 Decatur Boulevard, Indianapolis, In. The Division currently is staffed with 36 Police Officers, 122 MCIs (civilians) and a secretarial/clerical staff of five. Of this number, five of the Police Officers perform administrative duties associated with managing the Division. The remainder all perform enforcement duties. Col. Petrel went to say that the state is divided into 18 districts. Each district has from one to three Motor Carrier Enforcement Officers (MCEO) Police Officers. The civilian MCIs are dispersed throughout the state by district and are directly supervised by 14 regional supervisors and indirectly by three zone coordinators.

Col. Petree said that a majority of the MCIs work from the permanent scale facilities at seven locations. The scales are located at:

a) Lowell; b) Lafayette; c) Seymour; d) Ft. Wayne; e) Richmond; f) Versailles. He commented further that approximately 60 of the MCIs work out of permanent scales and inspection barns. The remaining MCIs work portable scales and perform inspections throughout the 92 counties. He said that the heaviest concentration of manpower is the northwestern area of the state. Col Petrel said the present MCI manpower stands at 122 officers, down from the authorized strength of 183. The current fiscal year budget for the Division is in excess of \$11 million and would have to increase by approximately 20% to staff it at authorized strength.

6. Tom Sullivan, Department of Revenue, Motor Carrier Services Division

Mr. Sullivan told the Commission that in fiscal year 1997, the Division generated about \$9.7 million in revenue, while in fiscal year 1998, it generated approximately 11.2 million in revenue. He said that on January 1, 1996, the OW/OS permitting was moved to the One-Stop shop in the Department of Revenue. The current OW/OS Permit section is staffed by 8 permit analysts which issue all OW/OS permits. He said that permits can be received at the one stop shop by the following methods: a) electronic computer generated; b) fax; c) voice response unit; d) telephone; e) mail. Mr. Sullivan said that for calendar 1997, 322,000 OW/OS permits were generated.

In response to a Commission question, Col Petree said that increased penalties will not deter overweight trucks, but increased risk of getting caught will. He said that penalties for OW/OS vehicles are deposited into the Common School Fund. Commenting on why the scales are not open more often, Col Petree said that reduced funding has reduced coverage at the scales from 16 hours/day to 12 hours/day. He said that with fewer people, we have to work smarter. Col. Petree said, in response to a Commission question, that most permanent scale sites had two scales, one in each direction, but now most have only one scale in order to catch vehicles entering the state as entrants have constituted the majority of the violators. Col. Petree said that they are operating on a results-based enforcement policy; reducing violations, fatalities, and personal injury accidents.

Col. Petree said that in 1997 there were 938 fatalities in the state, the lowest number since 1928, excluding the War years. He said further that even fewer fatalities have occurred this year. Col. Petree said that the Motor Carrier Enforcement section has not

had an increase in manpower in over 20 years. He said that they are looking to send 50 people to training school to fill the existing vacancies in the motor carrier enforcement ranks. Col Petree said that the turnover in the motor carrier enforcement ranks is not as high as in other branches of the State Police.

In response to a Commission question, Col. Petree said that the 42 State Police Officers that patrol the 153 miles of the Indiana Toll Road are paid by the Toll Road. Col. Petree said that the starting pay for an MCI is \$16,900.

7. Next Meeting Date

The Chair announced that the next meeting of the Commission will be September 24, 1998 in South Bend.

With no further questions or comments, the Chair adjourned the meeting at 1:20 p.m.